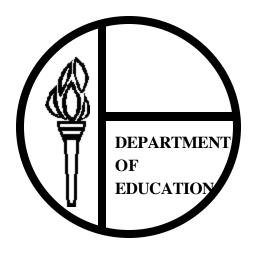
# CHARTER SCHOOLS AND SPECIAL EDUCATION

### Technical Assistance Document



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#### **Nevada Department of Education**

Special Education, Elementary and Secondary Education, and School Improvement Programs 700 E. Fifth Street, Suite 113 Carson City, NV 89701 (775) 687-9171

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#### **FASTFACTS**

Charter schools in Nevada are public schools that operate under the charter approval of Board of Trustees in the sponsoring school district or the Board of Education for the State of Nevada. In general, while charter schools have a great deal of autonomy and flexibility, each school must adhere to all federal mandates pertaining to the provision of special education services for eligible students under the Individuals with Disabilities Education Act (IDEA).

The policy and mechanics of charter/district/state collaboration are an evolutionary process. Technical issues regarding the implementation steps have yielded a variety of frequently asked questions. The purpose of this document is to provide additional guidance about charter schools and special education.

# Q. Is the public charter school in the State of Nevada a public school of the local education agency, or is its own education agency?

**A.** Under the Nevada Revised Statues (NRS) and the Nevada Administrative Code (NAC) "charter schools" are consistently defined as a public school of the local education agency/school district, formed pursuant to the provisions of NRS Sections 386.500 to 386.610 and NAC Sections 386.010 through 386.390.

#### Q. What is the relationship between the charter school and the sponsoring body?

**A.** Cooperation between the sponsoring body and the operator(s) of the charter school is absolutely essential. Ongoing communication and oversight responsibility for special education resides with the Board of Trustees of the school district. The sponsoring body approves the application and renewal of the charter, or may revoke the written charter for cause. The Board of Trustees remains accountable for the entire school district for the quality of schools and the educational achievement of the pupils in the district, including without limitation the pupils who are enrolled in charter schools within the district (NRS Section 385.347).

## Q. Must the charter school provide a free appropriate education to all students with disabilities?

**A.** The charter school must participate in the school district's Child Find, making provisions for the identification, location and referral for evaluation of potential students with disabilities found within the school program. In addition, the charter school must provide procedural safeguards and prior written notices to parents of students with special needs, evaluate the students and determine eligibility for special education and related services. If already eligible the charter school must implement the student's IEP. If determined to be eligible, the charter school must develop an Individualized Educational Plan (IEP) and determine placement for the student. The charter school must also review and revise the IEPs annually, and reevaluate every special education student at least once every three years. Attached are state mandated IEP forms to be used for all students receiving special education in the state.

#### Q. Does the charter school make assurances to provide for special education students?

**A.** Assurances of compliance must be given in the initial charter application. Within the operating plan of the charter once approval has been obtained, the charter school must have policies and procedures designed to guarantee and document a timely response to the special education process. Nothing precludes a charter agreement from including more specific procedures regarding how the provision of FAPE is to occur.

### Q. Is federal funding available to charter schools for the provision of special education services?

**A.** Pupils with disabilities, who are enrolled in a charter school, are entitled to the basic support guarantee from the distributive school account. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or state for the provision of education programs and services to such pupils. Also, a charter school is entitled to receive, for eligible students, its proportionate share of any other funds available from federal, state, or local resources. If a charter school receives special education program units directly from state, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter received from state for that purpose.

#### Q. Is current year funding available to charter schools for special education students?

**A.** There is a "front loading" of federal funds under Education Department General Administrative Regulations (EDGAR) provisions that allows a charter school to receive federal funding within the first year of operation. For the purpose of federal reporting and receipt of funding, all special education students must be reported by the school district with the December 1 Child Count process.

#### Q. Can a charter school have a special purpose or single function?

**A.** A charter is provided with varying degrees of flexibility from rules and regulations, but may not waive the provision of applicable federal laws such as IDEA and Section 504 of the Rehabilitation Act of 1973. Aside from these requirements the charter school is encouraged to create schools that reflect new models and curricular opportunities for providing high quality educational outcomes for children and youth. To this end a charter school may have a special focus by becoming, for example, a school for performing arts or a school for a self-contained program along the service continuum in special education.

# Q. Must a charter school employ teacher(s) certified in special education in order to implement a student's IEP?

A. The enabling legislation for charter schools in Nevada requires that at least 70% of the professional staff in a charter school be certified in professional fields by the Nevada Department of Education, Office of Teacher Licensing. This gives the charter school the ability to employ and supervise some persons who are not licensed teachers. However, by federal law the student with a disability must have access to instruction provided by a qualified teacher. "Qualified" as defined in IDEA means possessing the requisite state license or certificate to teach that population of students.

## Q. May a charter school transfer back a student to the county where the student resides, in order to provide the special education services required on the student's IEP?

**A.** The admission policies of the charter school may not discriminate according to racial composition and/or disability of students. The charter school does have individual responsibility under NRS to ensure that educational services to pupils with disabilities comply with state and federal requirements, including the development and implementation of the IEP. However, if the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular pupil due to the severity of the disability, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school. This transfer back is consistent with the local education agency's responsibility and accountability for the achievement of students in the charter schools.

#### Q. Is a charter school able to contract with the school district for services?

**A.** Yes, a charter school may establish contracts for certain services, such as the provision of facilities, transportation and health services for pupils enrolled in the charter school. The governing body of the charter school may initiate a request to contract with the Board of Trustees of the school district in which the charter school is located or the University and Community College System of Nevada.

# Q. Does the school district have an oversight/compliance obligation and responsibility for the provision of special education services in charter schools located in its jurisdiction?

**A.** While the sponsoring body approves the formation of a charter school, this body may not assign pupils or staff to the charter school. Neither the Board of Trustees of the sponsoring school district nor the Board of Education for the State of Nevada may interfere with the general operation and management of the charter school.

The charter school is the direct service provider for all enrolled students. Under IDEA a school district must ensure the provision of a free appropriate public education to all students with a disability who reside within its jurisdiction. The school district in which the charter

school is located has accountability for the achievement of pupils in the charter schools regardless of the sponsor. To this end, the school district should share information, forms, and records, and should review the compliance efforts in special education for the charter schools located within their district. Also, the school district may wish to invite charter school staff to participate in district in-service training for special education personnel.

The following forms have been developed as samples to help school districts and charter schools fulfill their respective roles and responsibilities. The keeping of such records will show the intent of meeting the requirements of federal and state laws governing these matters.

### -Sample Form-

### Sponsoring District Record Collaboration with Charter Schools for Special Education

Name	Sponsoring District
Dates of Charter Application	Approval
Contact Person	Contact Person
Address	
Telephone	NDE Contact
<b>Charter Focus</b>	
Grade Level(s)	
Current Enrollment	Capacity
Purpose:	
Date(s) Inservice or Oversite Review on S	pecial Education
Review of Special Education Process  1. Child Find and Referral 2. Initial Evaluation and Eligibility 3. IEP Development 4. Initial Placement 5. IEP Implementation 6. Review and Revision of IEP 7. Reevaluation and Determination 8. Dismissal from Special Education 9. Other Procedures: Prior Written Notice/Procedural	of Eligibility on
Review Special Education Forms	Policies and Procedures
Provision of Resource Materials  IDEA Sample IEP Format	IDEA Assurance Statement Procedural Safeguards
Section 504 Regulations	Nevada State Statutes
Other (specify)	Nevada Administrative Code

### **Charter/District Collaboration Record**

Identification of Needs:
Comments:
Follow-Along Activities:
Request for Technical Assistance:
request for reclinical Assistance.